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Filing date: **08/01/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214578
Party	Plaintiff LeMans Corporation
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Submission	Opposition/Response to Motion
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Date	08/01/2016
Attachments	Petitioners Reply to Respondents Response to Default Status.pdf(454364 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LeMans Corporation,)	Opposition No. 91214578 (Parent)
)	Opposition No. 91226723
Petitioner,)	Cancellation No. 92063552
)	
v.)	
)	
LeMar Xavier Lewis,)	
)	
Respondent.)	
)	
)	

PETITIONER’S REPLY TO RESPONDENT’S “RESPONSE TO DEFAULT STATUS”

On July 25, 2016, Lemar Xavier Lewis (“Respondent”) lodged two electronic filings with the Board in connection with Cancellation No. 92063552: (i) a “Response To Default Status Of Time To Respond To Petition To Cancel. Request To Revive And Resume” (hereafter the “Response to Default”); and (ii) a “Response to Amended to Petition to Cancel.”

While LeMans Corporation (“Petitioner”) recognizes that whether default judgment should be entered lies within the sound discretion of the Board, *see* TMEP 312.02, Petitioner notes the Respondent uses the same “lingering physical disabilities” and attempts to find legal counsel for his reasons (as he has multiple times) to extend deadlines in connection with this proceeding and/or related opposition proceedings which are the subject of the now approved Motion to Consolidate (see Opp. Nos. 91214578 and 91226723). With respect to the “finding counsel” justification in particular, the Board will recall that each new counsel Petitioner has found has withdrawn relatively shortly after appearing.

As for the Response to Amended Petition to Cancel, it is argumentative and contains neither an admission nor a clear denial of the allegations (nor a statement of insufficient information to admit or deny) as required under Board Rules and Federal Rules of Civil Procedure. Fed. R. Civ. P. 8(b); TMEP 311.02(a).

The Respondent's continued non-compliance with Board Rules and procedures, and the leniency asked for and received by Respondent on such non-compliance, are prejudicing the Petitioner in terms of adding significantly to the time and cost of these proceedings. Moreover, Petitioner's failure to prosecute the cases in accordance with the Board Rules, and in a hodgepodge manner, has and will continue to impair Petitioner's ability to meet appropriately and clearly the necessary evidentiary requirements in these now Consolidated Proceedings.

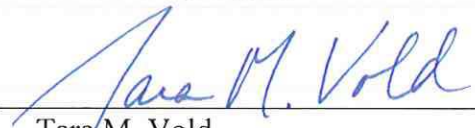
Separately, should the Board decide to issue a new scheduling order based on Respondent's filings, in regard to the Board's footnote 5 in the Order of Consolidation, it should be noted there had not been any discovery served relating to Opposition No. 91226723, so Respondent's June 22nd discovery extension request was inapposite.

Respectfully submitted,

LeMans Corporation

Date: August 1, 2016

By: _____

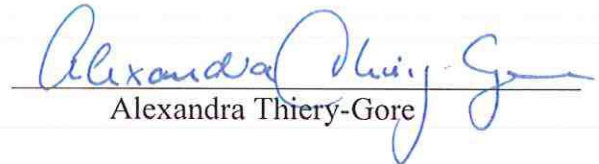

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S REPLY TO RESPONDENT'S "RESPONSE TO DEFAULT STATUS" has been served on Respondent on August 1, 2016 by email and First Class Mail to the following addresses:

LeMar Xavier Lewis
878 Summit Greens Blvd
Clermont, FLORIDA 34711
Email: lemarlewis@hotmail.com


Alexandra Thiery-Gore